

	A	B	C	D	E
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2	<u>Who</u>	<u>Section & page</u>	<u>Comment</u>	<u>Category</u>	<u>Version of Draft</u>
3	King County	Overall Comment	I recommend that Ecology look carefully at what can be put in guidance versus the rule to maintain flexibility and to be less burdensome.	General	12/14/2009
4	King County	Overall Comment	It is critical that the RAC see all the parts of the rule in one package and this package is not complete. Section 500 (environmental), water rights and wetland sections need to be completed and the entire rule needs review by the RAC to ensure that all parts work together. Many of the pieces that are MISSING are the hardest parts to draft so therefore a quick review at the end is NOT going to work. Piece meal review can result in conflicting sections. Please provide a new schedule that allows for complete review of the entire rule with the water rights sections.	General	12/14/2009
5	King County	Overall Comment	Many of these requirements are designed for NEW systems rather than converting systems. For urban areas, most of the customers will be converting existing irrigation or industrial systems to reclaimed water. Think about what approaches you can do to encourage reuse for existing systems w/out adding layers of detail to the regulations.	General	12/14/2009
6	King County	Overall Comment	Many of these requirements would work for small systems with a handful of customers. For large systems such as Brightwater with several distributors and many users, these requirements are too burdensome for the many users and Ecology. Think about what approaches you can do to encourage reuse for the larger systems w/out adding layers of detail to the regulations.	General	12/14/2009
7	King County	Overall Comment	The idea behind a CLASS A product is that it is relatively unrestricted use. However, the level of prescription and detail in this rule makes it seem that CLASS A is actually restricted use.	General	12/14/2009
8	King County	Overall Comment	The rules should place a larger burden on the generator to ensure compliance with their permit rather than having such prescriptive regs that reduce flexibility, add costs and discourage reclaimed water use by burdening the user and distributor.	General	12/14/2009
9	King County	Overall Comment	Use of the terms reclaimed water and reuse seem to be interchanged. Now is the time to use one term. The statutory term is reclaimed water.	General	12/14/2009
10	King County	Pilot Study Requirements	Under what conditions would a pilot plant study be required? There is no real guidance for the applicant or the regulator on how, when, where, to require a pilot study. This opens the door to arbitrary decisions to require such studies, which could be expensive, and a heavy burden on the project proponent.	Technical	12/30/2009
11	King County	Sec. 010	Authority: Check to see if “Reclaimed Water Use” is the correct name of chapter 90.46 RCW.	General	12/30/2009

	A	B	C	D	E
12	King County	Sec. 010	<p>Purpose: The statement of purpose should be very simple, something like “provide standards and procedures for the use of reclaimed water for the purposes identified in RCW 90.46.005.” The original draft said that the purpose was to encourage reclaimed water use while protecting public health and safety. By adding language regarding “protection,” and by identifying three things to be protected, the draft rule implies that the use of reclaimed water is risky, and picks three items from among multiple purposes that could be cited for enacting the rules. Why no reference to protecting Puget Sound, or addressing climate change, which are specifically mentioned in RCW 90.46.005? The purposes identified in the draft rule are not found in the legislative intent section</p>	General	12/30/2009
13	King County	Sec. 010	<p>The language used—e.g., protecting “the state’s water quality for beneficial uses”—is a paraphrase of the goal statement of Ecology’s groundwater standards, and specifically WAC 173-200-010(4) [“ The goal of this chapter is to maintain the highest quality of the state’s ground waters and protect existing and future beneficial uses of the ground water through the reduction or elimination of the discharge of contaminants to the state’s ground waters.”] There is no mention of this purpose in chapter 90.46. As Ecology is aware, the Legislature specifically stated that the standard to be met for groundwater is the state’s drinking water standards. This draft language implies that applying the groundwater standards is necessary because applying the drinking water standards would allow the introduction of contaminants and preclude future beneficial uses. The Legislature actually found to the contrary, stating in RCW 90.46.005 “The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW. There is no</p>	General	12/30/2009
14	King County	Sec 020	<p>Should probably provide a more specific statutory reference in RCW 90.48 to justify the exclusion of ag industrial process water and industrial reuse water from these rules, since the legislative directive was to develop rules covering “all aspects” of reclaimed water. It is not apparent where these types of reuse are covered in RCW 90.48. And if these categories are excluded, then the language in –030(2)(g) needs to be changed, since there are no standards being provided for these categories of reclaimed water (or is it the agency’s position that reuse and reclaimed water are different?). They are expressly identified in RCW 90.46.150 and 90.46.160.</p>	General	12/30/2009
15	King County	Sec 020 (3)	<p>The word “storage” has been omitted, and should be inserted.</p>	Format	12/30/2009
16	King County	Sec 020 (4)	<p>In the last line, “which” should be “that.” There are multiple places in the document where this change should be made.</p>	Format	12/30/2009
17	King County	Sec 030 (1)	<p>The word “expressed” in the last line adds nothing and should be deleted</p>	Format	12/30/2009
18	King County	Sec 030 (2)(d)	<p>Insert “reclaimed water” before permit</p>	Format	12/30/2009

	A	B	C	D	E
19	King County	Sec 030 (2)(e)	Delete everything after “monitoring”—it is not necessary, since it appears to be restating the purpose of the rule rather than content/scope	Format	12/30/2009
20	King County	Sec 030 (2)(h)	Hard to comment on impairment provisions, since they’re not in the rule. However, most recent drafts don’t have anything on “plans to compensate or mitigate for any impairment.” Suggest deleting all text after “water rights.”	General	12/30/2009
21	King County	Sec 040, p. 10	“Landscape irrigation” definition. Aren’t land application and landscape irrigation essentially the same?	Definitions	12/14/2009
22	King County	Sec 040, p. 10	Definition of master generator needs to make it clear how this is different from generator so an entity know which permit to apply for- individual or master generator	Definitions	12/14/2009
23	King County	Sec 040, p. 12	"Potable water" definition. To be inserted after the OR in the second sentence. “or it has been treated to a level to meet the state drinking water contaminant criteria”	Definitions	12/14/2009
24	King County	Sec 040, p. 12	Reclaimed water use- so <u>all</u> uses are beneficial?	Definitions	12/14/2009
25	King County	Sec 040, p. 13	"Streamflow augmentation" definition states...”intentional use of reclaimed water for rivers and streams...”. Recommend changing “use” to “addition”, and changing “reclaimed water for” to “reclaimed water to”.	Definitions	12/14/2009
26	King County	Sec 040, p. 13	Significant risk- needs details in guidance. Too subjective	Definitions	12/14/2009
27	King County	Sec 040, p. 14	“Total Organic Carbon (TOC)” definition. Definition seems inaccurate. Wikipedia states “Total organic carbon (TOC) is the amount of carbon bound in an organic compound”. Standard Methods states “ ... organic compounds in various oxidation states“. Those definitions would indicate there are non-oxidizable organic compounds.	Definitions	12/14/2009
28	King County	Sec 040, p. 16	“Wetland restoration” definition...where it states, “...manipulation of the physical, chemical, or biological characteristics...”, recommend changing “or” to “and/or”.	Definitions	12/14/2009
29	King County	Sec 040, p. 7	“Detectable chlorine residual” defined as “measurement of ≥ 0.2 mg/L free chlorine or ≥ 0.5 mg/L combined...”. Cl2 res. can be detected at much lower levels as written in various discharge permits (such as Carnation) and thus detectable Chlorine residual defined correctly. Definition conflicts with main body rules discussion.	Definitions	12/14/2009
30	King County	Sec 040, p. 8	“Discharge Area”...is an area to where water is discharged.	Definitions	12/14/2009
31	King County	Sec 040, p. 8	“Facility” defined as “domestic wastewater treatment”. Numerous facilities treat both Industrial and domestic wastewater and thus needs further development. Could state "a treatment plant that produces reclaimed water. "	Definitions	12/14/2009
32	King County	Sec 040, p. 8	Detectable chlorine residual- move to guidance	Definitions	12/14/2009
33	King County	Sec 040, p. 9	“Hydrologic Regime” definition. Hydrologic regime can be patterns in flow to various areas (rivers, streams, wetlands, subsurface areas, etc. Needs better defining. Shouldn’t include wetland in definition.	Definitions	12/14/2009

	A	B	C	D	E
34	King County	Sec 040, p. 9	Definition of generator needs to be distinct from master generator	Definitions	12/14/2009
35	King County	Sec 040, p.10	Natural wetlands needs better definition. What about a farm pond that is being proposed to be enhanced and supplied with RW like carnation? Is it a natural wetland?	Definitions	12/14/2009
36	King County	Sec 040, p.7	Critical water supply service area- move to guidance	Definitions	12/14/2009
37	King County	Sec 040	Definition of “Beneficial Uses Direct Groundwater Recharge” says nothing about groundwater.	Definitions	12/30/2009
38	King County	Sec 040	Definition of “Class A Reclaimed Water” and “Class B Reclaimed Water” strike the term “wastewater” from definition and use “water”	Definitions	12/30/2009
39	King County	Sec 040	Definition of “Constructed treatment wetlands” why include? Aren’t there separate regulations in place for constructed treatment wetlands?	Definitions	12/30/2009
40	King County	Sec 040	Definition of “indirect use” aka “controlled use” wouldn’t it be good to include “...or discharged to the ground surface.” At the end of this definition. Reclaimed water may not always be discharged to the waters of the state.	Definitions	12/30/2009
41	King County	Sec 040	Seems like this definition should be from the Clean Water Act or some other existing wetland rule. To define a “natural wetland” in reclaimed water rules independently is not appropriate. Ecology should use existing definitions for such terms wherever possible.	Definitions	12/30/2009
42	King County	Sec 040	Is “net environmental benefit” defined in any of Ecology’s other rules? Also, it seems like the definition should state that the gains in environmental services or other ecological properties attained by actions, should be reduced by the environmental injuries caused by those actions.	Definitions	12/30/2009
43	King County	Sec 040	Many definitions should be in guidance. For example, “alarm”, "unit process."	Definitions	12/30/2009
44	King County	Sec 040	“Beneficial purpose” and “beneficial use” have completely changed from the draft. Why? As written, it appears to disregard environmental uses authorized in statute, and pollution reduction ,and focuses on exclusively replacing or supplementing existing sources of supply. Where did this definition come from? It needs to be restored to what it was before. At a minimum, it needs to refer to all uses authorized under chapter 90.46 RCW. And should also include the definition under WAC 173-200 (groundwater standards).	Definitions	12/30/2009
45	King County	Sec 040	“Engineering report”: what are the “administrative aspects”? This seems like more than engineering. If it is meant to replicate the definition in Ecology's wastewater rules, it should simply adopt that definition. Otherwise, having a separate definition creates confusion and uncertainty.	Definitions	12/30/2009
46	King County	Sec 040	“General sewer plan” or “sewer comprehensive plan”: why is the language in the last sentence added. These are both terms that have statutory meaning, and should not have this additional and potentially confusing language added. And where is the final category—“sewer comprehensive plans under chapter 90.46 RCW”—from? There is no separate definition or category of sewer comprehensive plans in the Reclaimed Water Act.	Definitions	12/30/2009

	A	B	C	D	E
47	King County	Sec 040	Land application: there is no need to say “as permitted under this chapter”, because it’s redundant. Land application is land application, and the permitted types of land application are described later in the rule.	Definitions	12/30/2009
48	King County	Sec 040	Natural wetlands: what is the purpose of the second sentence? It is not part of the definition. And the language re “waters of the state” was eliminated from the statutory definitions in Ecology’s 2009 request legislation.	Definitions	12/30/2009
49	King County	Sec 040	Potable ground water: where did this definition come from? It does not appear to be in the groundwater standards in WAC 173-200. Potable means that it meets standards for human consumption, and the definition should simply say this. It is how WAC 246-290-100 defines it.	Definitions	12/30/2009
50	King County	Sec 040	Public water system: should simply refer to the definition in RCW 70.119A, rather than creating another definition. What happens if the definition in RCW 70.119A is amended?	Definitions	12/30/2009
51	King County	Sec 040	Reclaimed water facility: why are facilities for distribution and use excluded from the definition?	Definitions	12/30/2009
52	King County	Sec 040	Reclaimed water permit: should include a reference to RCW 90.46.220.	Definitions	12/30/2009
53	King County	Sec 040	Regional water supply plan: the phrase “developed by multiple jurisdictions” is not included in the listing of plans in RCW 90.46.130(2)	Definitions	12/30/2009
54	King County	Sec 040	Subsurface irrigation: the fundamental component of this form of irrigation is that the water is applied or discharged below the surface of the land, rather than on it. The water table could be raised to the root zone by surface irrigation.	Definitions	12/30/2009
55	King County	Sec 040	Underground source of drinking water: Need to supply some basis for this definition. Does not appear to be in either state groundwater standards or state drinking water standards. Implies that water with this level of TDS cannot be treated—is this true? Would DOH not approve this source of water if it were treated to drinking water standards?	Definitions	12/30/2009
56	King County	Sec 040	Water right impairment: King County’s view is that impairment in the reclaimed water context has the same meaning as in other water rights contexts, and it is inappropriate to promulgate a separate definition in rule. There is nothing in statute that implies that the Legislature authorized adoption of a separate definition of impairment for reclaimed water.	Definitions	12/30/2009
57	King County	Sec 040	Water system plan: should simply reference the statute and WAC.	Definitions	12/30/2009
58	King County	Sec 040	Waters of the state: would be good to provide either a statutory or WAC reference	Definitions	12/30/2009
59	King County	Sec 040	Water of the United States: why do we need this definition? And it is likely to be changed by Congress soon.	Definitions	12/30/2009
60	King County	Sec 040	Wastewater facility plan: Why should this mean anything other than what it means in the water pollution context (i.e., RCW 90.48 and WAC 173-240? This should be changed to either use the language in WAC 173-240-020(6), or simply reference the WAC. What is the point of identifying SERP, NEPA? Why include planning requirements, and what is the authority for doing so?	Definitions	12/30/2009

	A	B	C	D	E
61	King County	Sec 050 (4)	Need to explain or provide examples of what is meant by “protecting waters of the state under chapter 90.48 RCW”	Technical	12/30/2009
62	King County	Sec 050 (4)(a)(iv)	This language is not clear. What is meant by “environmental protection” or “water right administration” reasons that would warrant Ecology being the lead agency. How do project proponents know who the lead agency is, and when?	Technical	12/30/2009
63	King County	Sec 050 (4)(b)(i), (ii)	What is meant by “collecting” reclaimed water? What is meant by “protect the waters of the state”?	Technical	12/30/2009
64	King County	Sec 070 & 080	Not clear whether Ecology has the statutory authority to directly regulate a distributor or a user, as these sections appear to do. Ecology should chose, as the APA requires, the least burdensome alternative to assure that distributors and users comply with state law.	General/Legal	12/30/2009
65	King County	Sect 120 p. 21	3)a) Other non-engineering technical documents such as hydrological reports may be prepared, approved, and stamped (<i>if necessary</i>) by other appropriately licensed professionals. Italic is my added text- some of our planning docs are not stamped by planners.	Technical	12/14/2009
66	King County	Sec 120 (6)(c)	The two-year deadline would appear to apply to commencing construction within two years of submittal of a planning document. If so, why? What is Ecology’s objective with this requirement, and is there a less burdensome alternative?	Technical	12/30/2009
67	King County	Sec 130 (2)(b)	Should include the lead agency’s obligation to meet other requirements in RCW 90.54 with regard to promoting the use of reclaimed water. See, for example, RCW 90.54.180(2), which directs Ecology to promote reclaimed water as an alternative to potable water.	General/Policy	12/30/2009
68	King County	Sec 130 (2)(c)	What are the applicable requirements of chapter 70.119A with regard to reclaimed water? We are not aware of any references to reclaimed water in that statute, and there is nothing in RCW 90.46 that references the provisions of 70.119A. RCW 90.46 gives the agency the authority to protect public health, but RCW 70.119A does not provide any authority to regulate reclaimed water.	Legal/Policy	12/30/2009
69	King County	Sec 130 (2)(d)	The standards for engineering practice to which facilities must conform cannot be contained in a manual, or guidance. Those standards must either be in the rule, or the rule should simply prescribe industry standards for reclaimed water facilities, with examples of those standards. This provision, as written, appears to violate the APA, and does not appear to meet the “least burdensome alternative” requirement of the APA.	Legal/Policy	12/30/2009

	A	B	C	D	E
70	King County	Sec 140	There is no statutory authority for requiring a reclaimed water plan, much less the content of such a plan, so this section should be deleted. The only entities required by the Legislature in statute to do a separate reclaimed water plan are water-sewer districts, under Title 57 RCW (as a result of legislation they requested in 2009). Inferentially, the Legislature has concluded that such plans should not be required of other reclaimed water generators. Ironically, this requirement imposed on water-sewer districts is not even mentioned in subsection (2). Otherwise the Legislature seems to have clearly directed that reclaimed water planning and facilities be incorporated into either/both existing wastewater and water supply planning. It would be acceptable for Ecology to allow regulated entities to meet the existing planning requirements through a separate planning document that could be incorporated into either a wastewater plan or a water supply plan, but it has no authority to require an independent plan, other than from water-sewer districts under Title 57. Even those plans under Title 57 may not meet Ecology's draft requirements under this section. Also, the reclaimed water plan requirement as written appears to be regulatory requirement that serves no practical purpose. Many of the details listed as plan content requirements would be practical necessities prior to constructing any reclaimed water project	Legal/Policy	12/30/2009
71	King County	Sec 140	King County objects to all the detailed provisions in this section as neither authorized by state law, nor justified by any explanation. The language—which we believe the RAC has not discussed—generates a raft of questions. Why is Ecology apparently imposing a requirement for interlocal agreements? Why is there a reference to “other water purveyors,” as if reclaimed water operating permit holders are also “water purveyors” (which is a term not used in Chapter 90.46, and not defined in the draft rule)? What is a “service area boundary,” and why is this an Ecology concern? What is a “discussion” of “groundwater and surface water management,” and why is Ecology asking for this? What business is it of Ecology’s what the wastewater utility’s rate structure is? What is “financial viability”? Why is Ecology attempting to apply it to all reclaimed water generators, even large municipalities?	General	12/30/2009
72	King County	Sec 140(2)	What is the purpose of this section? If Ecology intends this section to somehow discuss planning requirements related to reclaimed water, why does this section not include all the reclaimed water planning provisions in statute?	General	12/30/2009
73	King County	Sec.140	“Include a discussion of the need for future facilities, groundwater and surface water management, capital and operational costs and customer rate structures for financial viability”. I do not understand what the mean by “groundwater and surface water management”. To me, this could be interpreted to mean information related to using reclaimed water for aquifer recharge or improving bas flow conditions in streams. It could also mean looking at potential impacts and mitigations associated with using reclaimed water for irrigation in areas where it may seep into aquifers or drain into streams. What is also odd is that consumptive and environmental enhancement uses of reclaimed water are already permitted by the State. I don’t see a need to call out “groundwater and surface water management” as any particular concern.	Technical	12/30/2009

	A	B	C	D	E
74	King County	Sec. 140	There is no need to discuss SEPA or NEPA compliance (presumably for planned reclaimed water projects) within a reclaimed water plan. This seems redundant since SEPA and NEPA rules will apply to actual projects according to already-established rules and regulations. There does not seem to be any value added by this plan requirement.	Technical	12/30/2009
75	King County	Sec. 140	The language “provide any other relevant data requested by the departments” is problematic. This is so open-ended (especially since Ecology has no stated purpose for reclaimed water plans) that it could result in never-ending hurdles so as to make it impossible to develop a reclaimed water plan acceptable to Ecology.	Technical	12/30/2009
76	King County	Sec 145	Where did these requirements come from? What is the “Utilities and Trade Commission?” What is a “third party trust”?	Technical	12/30/2009
77	King County	Sec 150 & 155	We need to see the impairment provisions soon for comment. King County provided extensive comments on and proposed revisions to the most recent language provided to the RW-WRAC. King County would like to continue to make the point the statute does not authorize Ecology to require an impairment review as part of a reclaimed water project submittal, nor require an Ecology decision on the issue before authorizing the project. There are less burdensome ways to meet the objective of the statute.	General	12/30/2009
78	King County	Sec 160 (1)(i)	There are no requirements that we are aware of for reclaimed water in WAC 246-290, which are State Board of Health rules that apply to drinking water and public water systems. The language at the end of this subsection should be stricken.	Legal/Policy	12/30/2009
79	King County	Sec 160 (2)(f)	Ecology needs to explain the need for the prescriptive requirements for direct aquifer recharge, the objectives of providing such prescriptive requirements (which are not prescribed for any of the other users), and a discussion of what alternatives that would be less burdensome to the applicant were considered and rejected, and why.	Technical	12/30/2009
80	King County	Sec 170	The requirements for plans and specifications cannot adopt by reference, as standards, a document that has not gone through rulemaking. This violates the APA.	Legal/Policy	12/30/2009
81	King County	Sec 200(2)	Why does the permittee have to provide a new application simply to add a new use?	Technical	12/30/2009
82	King County	Sec. 210	Should clarify that a single permit may be issued at the discretion of the applicant.	Technical	12/30/2009
83	King County	Sect 210 and 215, 4) p. 30	Sounds like the difference between a master generator and individual permit is whether you also have a NPDES permit? Need guidance on when to apply for master generator	Technical	12/14/2009

	A	B	C	D	E
84	King County	Sec 220 p. 31	6) Regarding the statement "...lead agency may decide to modify the conditions of the general permit or add additional conditions before authorizing coverage under the general permit." It appears to be written so that Ecology can decide they want to change the general permit for everyone one day, then do it again the next year. Most other general permits are only reviewed/revised and issues every 5 or so years. While the state could theoretically revise a general more often than just periodically, it would take away from the certainty a general gives. Suggest modifying language to clarify if modification for an individual or all and frequency of revision.	Technical	12/14/2009
85	King County	Sec 225 p. 32	1)d) Indicates that a principal executive officer or ranking elected official is required for permit signature. This seems excessive. In the past, for King County the director of the department of natural resources and parks signed the permit not the King County Executive. Suggest modifying language to say "Public Agency. By either the principal executive officer, ranking elected official, or individual that has delegated authority to sign such documents based on the organizations written procedures."	Technical	12/14/2009
86	King County	Sec 230 p. 33	2)b) Not clear here if this means the agency does the analysis upon promulgating the general permit itself or, upon issuing a general permit to a permittee. Would not seem reasonable to do it for every permittee. Suggest only undertaking this as a programmatic analysis of the general permit itself.	Technical	12/14/2009
87	King County	Sec 240 p. 33	Why is the applicant only given ten days to review the draft permit, and why is it limited to providing only factual corrections? 10 days seems short.	Technical	12/14/2009
88	King County	Sec 250 p. 35	4)c) This requirement is confusing. Does this mean they disclose info to EPA? Or they make a Request for confidential info to the EPA? And in any case – does the applicant or EPA always have to give out the info?	Technical	12/14/2009
89	King County	Sec 250 p. 36	5)d) 30 days seems excessive, if someone makes the request at the end of the 30 day comment period you could have to wait for another 30 or 40 days to get the notice in the paper and get workshop or hearing set up.	Technical	12/14/2009
90	King County	Sec 250 (2)(h)(v)	At the permit stage (i.e., facilities have been constructed), will there not have been a determination made of impairment by Ecology? And compensation/mitigation agreed to? The draft language—"potential" for impairment, and "proposed" compensation or mitigation—implies that it will be an open question, even when the permit is being issued. This should be rewritten consistent with the RW-WRAC recommendations with regard to early decisions that are made with some finality.	Technical	12/14/2009
91	King County	Sec 250(3)	Are applicants allowed to comment? This implies that "interested persons" may comment, but not applicants. And there should be an affirmative obligation on the lead agency to consider the comments in considering revisions to the draft permit.	Technical	12/30/2009

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92	King County	Sec 250(5)(f)	Is the 30-day period for appeal consistent with Part VII, and the cited provisions in statute for appeal procedures? If so, the rule should say so.	Technical	12/30/2009
93	King County	Sec 260	Old and new owners of what? Is the lead agency's decision to modify/revoke a permit proposed for transfer an appealable decision?	Technical	12/30/2009
94	King County	Sec 270	Why is a permit issued for "no more than" five years? Does this give Ecology authority to issue the permit for one year, and then require a new application? The rule should say that it's issued for five years. And what does it mean when it says that if application requirements for renewal are not met (which are spelled out in a-d), "coverage" expires on the expiration date of the permit? Does this mean that if Ecology decides some requirement has not been met, but the applicant believes that it has, that the facility can no longer operate? This seems to violate constitutional due process.	Technical	12/30/2009
95	King County	Sec 280	Are the modification or revocation appealable? If so, the rule should say so.	Technical	12/30/2009
96	King County	Sec 290, 4) p. 39	"b) Control impacts from industrial and toxic discharges that may affect treatment or reclaimed water quality." Isn't this covered by other permits? Why repeat it here?	Technical	12/14/2009
97	King County	Sec 290	Why is footnote 11 there?	Technical	12/30/2009
98	King County	Sec 300, 2) p. 41	"b) For uses requiring Class A and/or additional treatment methods necessary to meet specific use water quality, the lead agency may require pilot plant or other studies to demonstrate that the alternative method is capable of producing reclaimed water that is equivalent to adequate and reliable treatment as described in this rule." Why are pilots only allowed for class A?	Technical	12/14/2009
99	King County	Sec 320 p. 43	Item #1, a, i)... Are both points going to be required for monitoring, reporting and limit setting? In some conventional facilities this the influent is an intermediate step in their operation thus additional sampling and testing required. Currently we are required only to monitor and report after oxidation not filtration and on a daily frequency. Any other states have a 10 mg/l limit? Should change to CBOD for facilities that don't nitrify or partially nitrify.	Technical	12/14/2009
100	King County	Sec 320 p. 43	Item #1, a, ii)... Are both points going to be required for monitoring, reporting and limit setting? In some conventional facilities the influent is an intermediate step in their operation thus additional sampling and testing required. Currently we are required only to monitor and report after oxidation not filtration and on a daily frequency. Any other states have a 5 mg/l limit?	Technical	12/14/2009
101	King County	Sec 330	Why is this very general requirement stuck here in the rule? Is it necessary, if there are specific requirements for each potential use?	Technical	12/30/2009
102	King County	Sec 340 p. 46	Item #1, b, ii)... For facilities that don't nitrify this doesn't make sense or they would have to go to breakpoint chlorination. Suggest monitoring for Total Cl2 residual for facilities without nitrification instead of free chlorine.	Technical	12/14/2009
103	King County	Sec 340, 1, p. 44	The residual concentration, "C", shall be measured as a free chlorine residual. For carnation and south plant, it is total cl residual not free. We want the option of total as well.	Technical	12/14/2009

	A	B	C	D	E
104	King County	Sec 340 1 a) i) and b)i)	states” the required CT measured as mg-min per liter at all times must be greater than 30 (for a) and 20 (for b) or greater. There needs to be a minimum time requirement or thus after 1 minute the requirement is to have a 30 mg/l or 20 mg/l or greater measurement requirement.	Technical	12/14/2009
105	King County	Sec 350	Item #1, i.... Why does a facility with automated diversions have to have a reset process that must be manually operated? For example, a filter goes to waste automatically on high turbidity “to waste” setpoint then the turbidity drops below the “to waste” setpoint it should then automatically go back into operation/production.	Technical	12/14/2009
106	King County	Sec 350 p. 47	Item #1, a... What defines untreated or partially treated wastewater? If not meeting a RW standard is then if a TC exception occurs the water is already discharged before the test is completed.	Technical	12/14/2009
107	King County	Sec 420 p. 51	Item#3,a... There are also min. requirements between sewer and potable. If sewer, potable, stormwater, and reclaimed water were all in the same street (not uncommon) then the street would have to be more than 40 feet wide excluding the pipe diameter to provide the required separation? I realize there is a manual discussing what to do when you can not meet these requirements however I think the majority of time this requirement will not be able to be met. Especially in developed locations.	Technical	12/14/2009
108	King County	Sec 420	Cannot simply reference the design criteria from a guidebook and make them a standard w/o violating the APA.	Technical	12/30/2009
109	King County	Sec 430 d)	Facilities that don’t nitrify will need to use the total cl2 res. requirement and thus need something to design to not just that the lead agency may approve. Need a design requirement not something left up to an individual/s to interpret.	Technical	12/14/2009
110	King County	Sec 440	Need to justify setback distances, and discuss any alternatives that would be less burdensome.	Technical	12/30/2009
111	King County	Sec 460, 1, p. 53	"All reclaimed water piping, valves, outlets, storage facilities and other appurtenances...nonpotable reclaimed water. Storage and distribution systems that are being converted from other uses to a reclaimed water purpose may enter into a compliance agreement with the lead agency regarding the timeframe for said conversion." Why a compliance agreement? Which parties are involved – the generator and lead agency or the lead agency, generator and end user? A three party agreement for this level of detail is way too burdensome. The least burdensome alternative would be to negotiate this during the permit review resulting in a conversion condition. That is what we do it now. For urban areas, most of the customers will be converting existing irrigation/industrial systems to reclaimed water. To have to do an agreement with every conversion is too burdensome for the users and generators & ecology has to review all of these? When would these be reviewed? As part of the permit appl.? What happens when new customers added on an existing permit? A general permit condition is more workable, especially on large systems.	Technical	12/14/2009

	A	B	C	D	E
112	King County	Sec 460, 1, p. 53	In the case of conversion, Permittee can work with lead agency to develop a labeling system for existing systems that is not burdensome.	Technical	12/14/2009
113	King County	Sec 500- all subsections	BMPs are so often site specific that it is recommended that you remove the specific BMPS under each use and put a general statement that BMPs must be used to minimize impacts. Then, put the specific BMPS by use in guidance. To specify the hours of operation and when to water is too much detail for rules and does not every user. Ecology could ask for a BMP plan or add to the op/maintenance manual rather than specifv BMPS by use in the regs.	Technical	12/14/2009
114	King County	Sec 500, 5, p. 56	"c) vi) Requirements and recommendations from the USEPA." TOO BROAD for a rule. Move to Guidance	Technical	12/14/2009
115	King County	Sec 500, 5, p. 56	Modify 5)c) as follows, "Review the following factors to determine if the proposed exceptions or requirements are adequate to protect public health and the environment." End the statement at this point. Move all of the c) i) through c) xiii) to guidance. These are too site specific and detailed for a rule.	Technical	12/14/2009
116	King County	Sec 500,4 p. 54	1) Environmental protection..... under development. This section must be reviewed by RAC and we need a new schedule that allows such a review.	Technical	12/14/2009
117	King County	Sec 500 (4)	What is an environmental protection use?	Technical	12/30/2009
118	King County	Sec 520 p. 58	Item #2, c, ii)... Is the expectation to encourage the use of reclaimed water? Or the discourage it's use? It seems burdensome that every small use area (median strip, small grass strip, etc. go thru a agronomic rate development. Wouldn't it just be easier to request that all systems install a moisture sensor that shuts off the system at a certain value, as indicated in v.	Technical	12/14/2009
119	King County	Sec 520, 2) p. 76	Move this entire section to guidance and just require use of BMPs.	Technical	12/14/2009
120	King County	Sec 530 p. 60	Item #3, c... Class A reclaimed water was considered a "unrestricted access water" yet the BMP make it seem like a restricted access water.	Technical	12/14/2009
121	King County	Sec 530 p. 60	Item #3, d... Unless drinking water fountains are covered/shielded? Or is there a distance requirement?	Technical	12/14/2009

	A	B	C	D	E
122	King County	Sec 530, 3) p. 59	<p>Move this entire section to guidance and just require use of BMFS.</p> <p>"Best Management Practices.</p> <p>a) Reclaimed water used for landscape irrigation shall comply with the following best management practices:</p> <p>b) Irrigation best management practices in WAC 173-219-520(2)</p> <p>c) Use areas with public access and all areas that are spray irrigated shall be irrigated during periods of minimal use (e.g., between 9 p.m. and 6 a.m.). Consideration shall be given to allow maximum drying time prior to public use.</p> <p>d) Where sprinkler irrigation is used, irrigation water must not be sprayed in an area where food is being prepared or served, or where a drinking fountain is located.</p> <p>e) Where hose connections are required, hose bibs shall be replaced with quick couplers and other fittings that prevent interconnection between potable and nonpotable systems."</p>	Technical	12/14/2009
123	King County	Sec 540, 3c) p. 60	<p>Move this entire section to guidance and just require use of BMFS.</p> <p>"Best Management Practices.</p> <p>a) Reclaimed water used for agricultural irrigation shall comply with the irrigation best management practices in WAC 173-219-520(2).</p> <p>b) Reclaimed water used for agricultural irrigation shall be routinely monitored to assure that irrigation water quality is within acceptable limits for agricultural use as recommended in standard manuals of practice such as:</p> <p>i) USEPA Guidelines for Water Reuse, EPA 625/R-04/108.</p> <p>ii) FAO #47 Wastewater treatment and use in agriculture. http://www.fao.org/docrep/T0551E/t0551e00.htm#Contents</p> <p>iii) FAO #29 Water quality in agriculture.</p> <p>c) The public shall not pick or otherwise harvest crops at times when reclaimed water is applied by surface or spray irrigation.</p> <p>d) Where spray irrigation is used, the public and personnel at the use area must be notified that the water used is reclaimed water and is not safe for drinking. The reclaimed water use plan must specify how notification will be provided."</p>	Technical	12/14/2009
124	King County	Sec 540, 3c) p. 60	The public shall not pick or otherwise harvest crops <i>during the</i> at-times when reclaimed water is applied by surface or spray irrigation. Harvesting while irrigation is occurring simultaneously is not allowed. <i>Italic is added text</i>	Technical	12/14/2009
125	King County	Table 600-1	Why is using RW to natural or mitigation wetlands restricted?	Technical	12/14/2009

	A	B	C	D	E
126	King County	Sec 610,4, a-d p. 62	<p>5)a), b), c), d) Surface water quality protection.</p> <p>Comment: These requirements are quite worrisome because they could range from a best guess to an expensive field study and model. It could be up to the permit writer and be quite expensive and burdensome. Maybe put a more general statement in the regs and detail in the guidance. If Carnation had to do a study as envisioned here, the wetland project might not have been built due to lack of funding.</p>	Technical	12/14/2009
127	King County	Sec 610,4,c p. 62	The lead agency may require the applicant to conduct a site-specific hydrogeologic investigation to show that hydrogeologic conditions are adequate to maintain groundwater quality consistent with the antidegradation provisions in Ch 173-200 WAC. The level of detail for the study shall be determined in consultation with lead agency. May and shall seem contradictory.	Technical	12/14/2009
128	King County	Sec 610 2) c)	Use secondary contact recreation because it is defined in the rules.	Technical	12/30/2009
129	King County	Sec 610 4) a)	<p>The section states “..level of project evaluation required depends on the quality and quantity of the...”</p> <p><u>Can some guidance on quality (e.g. Class A versus Class D reclaimed water) and quantity (e.g. 0.5 versus 5.0 mgd) be included here? This would give applicant an idea of the thresholds that the lead agency will look at when considering the level of project evaluation.</u></p>	Technical	12/30/2009
130	King County	Sec 610 4) c)	It is good that a guidance document that provides information on the detail of a site specific hydrogeologic will be available. Will this be developed with a future draft of the rule and made available for review?	Technical	12/30/2009
131	King County	Sec 610 5) a)	<p>The section states “..level of project evaluation required depends on the quality and quantity of the...”</p> <p>Can some guidance on quality (e.g. Class A versus Class D reclaimed water) and quantity (e.g. 0.5 versus 5.0 mgd) be included here? This would give applicant an idea of the thresholds that the lead agency will look at when considering the level of project evaluation.</p>	Technical	12/30/2009
132	King County	Sec 610 5) c)	Can a definition of “assimilation capacity” be added or a reference to where it is defined in another rule?	Technical	12/30/2009
133	King County	Sec 610, 1)	It is good to include requirements of other applicable state rules. Should Water Quality Standards for Ground Waters be included in this list? If so, see comment below re groundwater standards being applied.	Technical	12/30/2009
134	King County	Sec 610, 2) b)	Use primary contact recreation because it is defined in the rules.	Technical	12/30/2009

	A	B	C	D	E
135	King County	Sec 610(4)	Need to cite the authority and purpose for applying groundwater standards under chapter 173-200 WAC, and discuss any less burdensome alternative for meeting this objective. Should include a discussion of whether these provisions are identical to, or more stringent than, other provisions in state law or rule with regard to the introduction of water into wetlands. The Legislature has already found, in RCW 90.46.005, that the use of reclaimed water does not violate the antidegradation standards in state law under RCW 90.48.	Legal	12/30/2009
136	King County	Sec 620 (1)(D)	Is there a definition of “net environmental benefit”?	Definitions	12/30/2009
137	King County	Sec 620 1) b)	Add “under the Washington State Wetland Rating System” after “Category II, III, or IV.”	Format	12/30/2009
138	King County	Sec 620 4)	It is good that a guidance document that provides information on the detail on wetland monitoring will be available. Will this be developed with a future draft of the rule and made available for review?	Technical	12/30/2009
139	King County	Sec 620 4) a) to g)	Is this what the lead agency wants in the evaluation or is this what the lead agency will use to determine if evaluation is needed?	Technical	12/30/2009
140	King County	Sec 630 4) c)	It does not seem like buffers should be mentioned in these rules. Buffers are addressed extensively in federal, state, and local wetland rules. This part does not seem needed.	Technical	12/30/2009
141	King County	Sec 640 2)	If a constructed wetland is not a jurisdictional wetland then what is it? This section of the standards is on wetlands. If there is another class of water type then it should be handled in a different section of the rule.	Technical	12/30/2009
142	King County	Sec 650 1)	Does this include wastewater treatment wetlands? I do not think it does. Making it more explicit what the “constructed treatment wetland are would be helpful.	Technical	12/30/2009
143	King County	Sec 660	It seems like reclaimed water would be used in either a wetland or a water feature. Not a wetland water feature. Should “water features” be there own section perhaps 173-219-900?	Technical	12/30/2009
144	King County	Sec 700 & 710	Seems that reclaimed water to augment stream flows is ok as long as it meets the federal water pollution control act, 90.48 RCW, and 173-220 WAC. This makes sense. Is that what this says, or does it apply different standards (by requiring at a minimum Class B water)? If so, why apply a different standard? Why are the rules so different for wetland and groundwater uses of reclaimed water? Shouldn’t the wetland (-600) and groundwater (-800) rules reference other existing rules and codes as stream flows does? Ecology needs to explain whether simply referencing the other rules and codes would be a less burdensome alternative, and why it is proposing not to do so.	Technical	12/30/2009
145	King County	Sec 700 (1)(b)	Need to see language	General	12/30/2009
146	King County	Sec 700 (2)(a)	Define recreational or potable water supply impoundments.	Definitions	12/30/2009
147	King County	Sec 710 (4)	Not clear what this notice of intent means. Wouldn’t the proposed use be identified in the permit application?	Technical	12/30/2009

	A	B	C	D	E
148	King County	Sec 800 (3)	General prescription that use for recharge must meet any water quality standards violates the provisions of state law in chapter 90.46 RCW, is contrary to the finding of the Legislature in RCW 90.46.005 that compliance with drinking water standards meets antidegradation standards under RCW 90.48, and is a more stringent requirement than even groundwater standards in WAC 173-200 (which states in WAC 173-200-040(1) that meeting drinking water standards generally protects any existing or potential uses, unless site-specific evaluation requires more stringent standards, which are to be established in either a separate plan for that area or through site-specific criteria). Ecology will need to provide a detailed economic analysis for this provision, as well as an analysis showing what the purpose of this proposed rule is, and why less burdensome alternatives were not included in the rule.	Legal/Policy	12/30/2009